

**REMARKS**

This Amendment is submitted concurrently with a Request for Continued Examination (RCE), in response to the Office Action mailed October 18, 2002 (Paper No. 13) and the March 12, 2004 Decision on Appeal (Paper No. 22). This filing of an RCE and Amendment is permissible. See MPEP Section 706.07(h) at subsection XI.

By the foregoing amendment, claims the elements of claims 2, 4 and 5 were incorporated into claim 1, and the elements of claims 4-5 were incorporated into claim 3, and claims 2, 4 and 5 were canceled without prejudice or disclaimer. No new matter was added. Claims 1 and 3 are currently pending in this application, with claims 1 and 3 being independent.

**Rejections Under 35 USC 103**

Claims 1 and 3-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,952,073 to Hurditch et al. Applicants respectfully traverse this rejection.

Claims 2 and 5 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,952,073 to Hurditch et al. in view of U.S. Patent No. 5,547,728 to Cunningham et al. Applicants respectfully traverse this rejection.

As the elements of claims 2 and 5 were incorporated into claim 1, and the elements of claim 5 were incorporated into claim 3, the rejection of claims 1 and 3 over Hurditch et al. '073 alone is moot. Accordingly, the only resulting rejection is of claims 1 and 3 over Hurditch et al. '073 in view of Cunningham et al. '728.

Claim 1 recites a process for producing an optical recording medium containing an organic solvent in an organic dye layer in an amount of 2 to 15% by weight based on an organic dye, the process comprising applying a solution, prepared by dissolving the organic dye in the organic solvent, onto a light-transmittable substrate by a spin coating method to form the organic dye layer, thereafter forming a reflecting layer on the organic dye layer without performing a drying treatment of the organic solvent left in the organic dye layer and further forming a protective layer on the reflecting layer, wherein the spin coating is performed at a rotating speed of 3500 rpm or more in the formation of the organic dye layer, and wherein said organic solvent is at least one member

selected from the group consisting of 2,2,3,3-tetrafluoro-1-propanol, 2-ethoxyethanol and diacetone alcohol.

Claim 3 recites an optical recording medium having an organic dye layer, a reflecting layer and a protective layer in this order on a light-transmittable substrate, the optical recording medium containing an organic solvent in the organic dye layer in an amount of 2 to 15% by weight based on an organic dye, wherein said organic solvent is at least one member selected from the group consisting of 2,2,3,3-tetrafluoro-1-propanol, 2-ethoxyethanol and diacetone alcohol.

Applicants respectfully request that the examiner consider the following:

Hurditch et al. '073 discloses a concentration of the total solid components in the range of 2-10% by weight in the coating solution for forming the recording layer. See col. 10, lines 26-29.

That is, in the coating solution, the content of the total solids component is at most 10% by weight.

In contrast, claims 1 and 3 recite a content of the organic solvent 2-15% by weight based on the organic dye in the organic dye layer. That is, in the organic dye layer, the content of the organic dye is at least 85% by weight.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. OKA-0003 from which the undersigned is authorized to draw.

Dated: May 7, 2004

Respectfully submitted,

By   
David T. Nikaido

Registration No.: 22,663

Robert S. Green

Registration No.: 41,800

RADER, FISHMAN & GRAUER PLLC

1233 20th Street, N.W.

Suite 501

Washington, DC 20036

(202) 955-3750

Attorneys for Applicant